

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES

v.

JOSEPH ALLEN

**DEFENDANT'S MOTION *IN LIMINE* TO
EXCLUDE EVIDENCE OF PRIOR BAD ACTS**

Joseph Allen ["Allen"], the defendant in the above-captioned criminal case, hereby moves this Court, pursuant to the Due Process Clause and Federal Rules of Evidence 403 and 404, to preclude the government from introducing, in its case-in-chief at trial, any of the following:

- (1) Evidence respecting events on the evening of January 6, 2004, when Allen allegedly entered a 7-Eleven convenience store in Gloucester, then traveled to Rockport, and subsequently met with Randy Gibbs back in Gloucester;
- (2) Evidence that Allen sold cocaine to Randy Gibbs on January 6, 2004 or on any other occasion; (3) evidence respecting an alleged break-in at the house of co-defendant Archibald MacLeod;
- (4) Evidence respecting the alleged larceny of \$6,500 from Ryan Caverly's girlfriend "Meg" on an unspecified date;
- (5) Evidence respecting the alleged purchase by Richard Lane of OxyContin pills from Allen;
- (6) Evidence that Allen introduced Jeff King to OxyContin and/or heroin;
- (7) Evidence that Allen "ripped off" individuals by taking their money without giving them pills in return;

(8) Evidence that Allen was wearing a shirt that said "Support your Local 81"; and

(9) Evidence concerning an assault on Sara Ann Thompson on March 23 or 24, 2006, by an unknown assailant.

The grounds for this motion are set out in the Memorandum of Law filed herewith.

Respectfully submitted,
JOSEPH ALLEN
By his attorneys,

/s/ James L. Sultan

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on March 28, 2006.

/s/ James L. Sultan
James L. Sultan